

### **REMARKS**

In response to the above-noted Office Action, Applicant has amended Claim 1 to correct the typographical error. Additionally, responsive to the Examiner's contention that Claims 3-34 are drawn to an LCD, Applicant has amended Claim 3 to further clarify that the invention as defined in Claim 3 is drawn to the same invention as elected Group I, as defined in Claims 1 and 2. Additionally, amendments have been made to Claims 18, 19 and 20 to remove parenthetical references. In view of the foregoing amendments, it is submitted that pending Claims 1-32 are directed to the invention of Group I.

In response to the rejection under 35 U.S.C. 103(a), Applicant submits that the heating device in the LC (Liquid Crystal) display of Brandt (U.S. 6128053) is different than the heater of the present invention which is fully embedded in the dummy (passive) cell. The heater of the present invention being truly embedded in the dummy cell represents a simplified design of an LCD. Differences between the teaching of Brandt and the present invention include the need for additional layers of transparent insulation material in the cell and the resulting additional complexity. The Applicants' simplified design involves a perimeter seal with spacing means for the LC substrates and an electrically conductive seal. The heater is controlled with electrodes that are secured to the heater with conductive adhesive.

In response to the Examiner's objection based on the combination of Fujii (JP03118517) and Brandt, Fujii is different than the present invention as it does not include an internal heating element. Fujii has a single transparent resistance layer and the interior region of the dummy cell includes conductive spacers sandwiched between the two substrates of the dummy cell. The Applicants note that the configuration of Fujii does not prevent the establishment of false potential difference set up across the liquid crystal materials in the dummy cell.

It is submitted that as there is no internal heating element in Fujii, it relates to different LCD subject matter than that of Brandt and thus one of ordinary skill in the art would not consider combining Fujii with Brandt in order to improve the design of an LCD with a dummy cell heater.

Brandt addressed the problem of unwanted triggering of liquid crystal molecules with a zero potential difference set up, which is different than that of the present invention. There is no indication in Brandt of problems with that design that would lead to its adaptation or combination with conductive spacers of Fujii. Furthermore even if the combination of Fujii and

Brandt were made, the configuration of Fujii does not prevent the establishment of false potential difference set up across the liquid crystal materials in the dummy cell. Thus, it is submitted that the combined design would not improve Brandt nor teach the present invention.

The subject matter of claim 1 as presently amended is further removed from any combination of Brandt and Fujii by the further feature wherein the two conductive electrodes, for the heater, one at each respective opposite side of the layer and secured thereto by a conductive adhesive. The Examiner considers that one of ordinary skill in the art would arrive at this feature from Ueda (JP06260265).

Applicants comments that Ueda does not describe an LCD cell with a heating element embedded inside the LCD cell and is thus removed from the present invention. It is submitted that the combination of Ueda with Brandt would not be considered as a natural and obvious combination for one of ordinary skill in the art to make. Furthermore, even if the combination of Brandt and Ueda was made, that combination does not disclose all of the subject matter of claim 1.

Ueda describes a device with one transparent resistance layer as the heating element and is covered by a transparent protective film. A consequence of the heating element of Ueda not being embedded is the more complex design and thus costlier manufacturing processes involved for Ueda than for the heater design of the present invention. It is submitted that a more complex design approach would not be considered as a favorable one for the skilled person to use in developing Brandt or indeed any combination of Brandt and Fujii.

In summary, it is submitted that the cited documents do not disclose nor suggest the invention as now claimed and that the Applicants have devised a heater for an LCD that is both novel and inventive over the prior art. One of ordinary skill in the art would not be led to arrive at the present invention from the disclosure of Brandt alone nor, it is submitted, when Brandt is taken in combination with Fujii and Ueda.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

**PETITION FOR EXTENSION OF TIME**

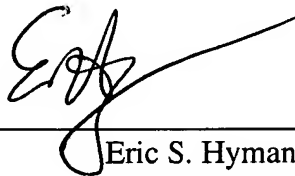
Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on THURSDAY, MAY 6, 2004, Applicants respectfully petition Commissioner for a three (3) month extension of time, extending the period for response to MONDAY, NOVEMBER 8, 2004 (November 6, 2004 being a Sunday). Attached is a check in the amount of \$1770 which includes the following amounts: \$980 petition filing fee for a 37 C.F.R. 1.17(a)(3) large entity; and \$790 RCE filing fee (RCE transmittal attached). A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated: November 8, 2004

By: \_\_\_\_\_

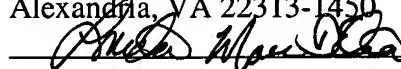


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**CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail , With Sufficient Postage, In An Envelope Addressed To: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Linda Marie D'Elia

11/8/04  
November 8, 2004

ESH/lmd